

AMENDED IN SENATE AUGUST 23, 1999

AMENDED IN SENATE JUNE 28, 1999

AMENDED IN SENATE JUNE 17, 1999

AMENDED IN ASSEMBLY APRIL 29, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1222

Introduced by Assembly Member Kuehl
(Coauthors: Assembly Members Aroner, Bock, Jackson,
Keeley, Leach, Longville, Romero, and Strom-Martin)
(Coauthor: Senator Bowen)

February 26, 1999

An act to ~~amend Section 11191 of~~ *add Section 11198 to* the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as amended, Kuehl. Corrections.

Existing law establishes the Interstate Corrections Compact Act and the Western Interstate Corrections Compact Act which authorize states to enter into contracts with other party states for the confinement of inmates on behalf of the sending state in institutions situated within a receiving state. Any court, agency, or officer of this state with the authority to commit or transfer an inmate to any institution for confinement may commit or transfer that inmate to any institution within or without this state if this state has entered

into a contract for the confinement of inmates in that institution pursuant to a compact under one of the above acts.

~~This bill would prohibit an out-of-state inmate to be committed or transferred to any institution within this state for confinement unless this state has entered into a contract or contracts for the confinement of out-of-state inmates in that institution pursuant to one of the above-mentioned compacts. This bill would express the Legislature's intent that this provision does not apply to out-of-state inmates in the custody of specified federal agencies and contracts to place those inmates in a privately operated facility in California, except as authorized by California statute, any city, county, city and county, or private entity from causing to be brought into, housed in, confined in, or detained in this state any person sentenced to serve a criminal commitment under the authority of any jurisdiction outside of California. The bill also would express the intent of the Legislature that this provision neither prohibits nor authorizes the confinement of federal prisoners in this state.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 11191 of the Penal Code is~~
- 2 *SECTION 1. (a) The Legislature hereby finds and*
- 3 *declares that this act, by ensuring continued public*
- 4 *jurisdiction over correctional facilities, is necessary for*
- 5 *the protection of the public safety of California residents*
- 6 *and applies equally to both local and out-of-state private*
- 7 *entities.*
- 8 *(b) The Legislature further finds and declares that*
- 9 *California has a legitimate interest in reserving, as*
- 10 *exclusive unto itself, exercise of its sovereign power to*
- 11 *recognize the authority of any jurisdiction, outside of this*
- 12 *state, to enforce the housing, confinement, or detention*
- 13 *of any person within the borders of California.*
- 14 *SEC. 2. Section 11198 is added to the Penal Code, to*
- 15 *read:*



1 11198. (a) Except as authorized by California statute,
2 no city, county, city and county, or private entity shall
3 cause to be brought into, housed in, confined in, or
4 detained in this state any person sentenced to serve a
5 criminal commitment under the authority of any
6 jurisdiction outside of California.

7 (b) It is the intent of the Legislature that this act shall
8 neither prohibit nor authorize the confinement of federal
9 prisoners in this state.

10 amended to read:

11 11191. ~~(a) Any court or other agency or officer of this~~
12 ~~state having power to commit or transfer an inmate (as~~
13 ~~defined in Article II(d) of the Interstate Corrections~~
14 ~~Compact or of the Western Interstate Corrections~~
15 ~~Compact) to any institution for confinement may~~
16 ~~commit or transfer an inmate to any institution within or~~
17 ~~without this state if this state has entered into a contract~~
18 ~~or contracts for the confinement of inmates in said~~
19 ~~institution pursuant to Article III of the Interstate~~
20 ~~Corrections Compact or of the Western Interstate~~
21 ~~Corrections Compact, but no inmate sentenced under~~
22 ~~California law may be committed or transferred to an~~
23 ~~institution outside of this state, unless he or she has~~
24 ~~executed a written consent to the transfer. The inmate~~
25 ~~shall have the right to a private consultation with an~~
26 ~~attorney of his or her choice, or with a public defender if~~
27 ~~the inmate cannot afford counsel, concerning his or her~~
28 ~~rights and obligations under this section, and shall be~~
29 ~~informed of that right prior to executing the written~~
30 ~~consent. At any time more than five years after the~~
31 ~~transfer, the inmate shall be entitled to revoke his or her~~
32 ~~consent and to transfer to an institution in this state. In~~
33 ~~these cases, the transfer shall occur within the next 30~~
34 ~~days.~~

35 (b) ~~No out-of-state inmates (as defined in Article II(d)~~
36 ~~of the Interstate Corrections Compact or of the Western~~
37 ~~Interstate Corrections Compact) shall be committed or~~
38 ~~transferred to any institution within this state for~~
39 ~~confinement unless this state has entered into a contract~~
40 ~~or contracts for the confinement of out-of-state inmates~~

1 ~~in that institution pursuant to the Interstate Corrections~~
2 ~~Compact or the Western States Interstate Corrections~~
3 ~~Compact Act.~~

4 ~~SEC. 2. It is not the intent of the Legislature that the~~
5 ~~changes made to Section 11191 of the Penal Code by this~~
6 ~~act shall apply to out-of-state inmates in the custody of the~~
7 ~~Federal Bureau of Prisons, the United States Immigration~~
8 ~~and Naturalization Service, or the United States Marshal,~~
9 ~~and to contracts to place those inmates in a privately~~
10 ~~operated facility in California.~~

